

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted *via* the USPTO EFS Filing System on the date shown below to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: August 11, 2009/Stacey Bussey/
Stacey Bussey

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Frederick M. Discenzo, *et al.*

Examiner: Carlos R. Ortiz Rodriguez

Serial No: 10/674,966

Art Unit: 2123

Filing Date: September 30, 2003

Conf. No: 4946

Title: SYSTEM AND METHOD FOR DYNAMIC, MULTI-OBJECTIVE
OPTIMIZATION OF MACHINE SELECTION, INTEGRATION AND
UTILIZATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Dear Sir:

I, Seyed V. Sharifi, represent that I am an attorney of record for U.S. Patent Application Serial No. 10/674,966, filed September 30, 2003, and entitled, "SYSTEM AND METHOD FOR DYNAMIC, MULTI-OBJECTIVE OPTIMIZATION OF MACHINE SELECTION, INTEGRATION AND UTILIZATION" The owner, Rockwell Automation, Inc., of 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of any patent granted on the

above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 of U.S. Patent No. 6,847,854, U.S. Patent No. 7,050,873, and U.S. Patent 7,143,016 as presently shortened by any terminal disclaimer, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,847,854, U.S. Patent No. 7,050,873, and U.S. Patent 7,143,016 this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of U.S. Patent No. 6,847,854, U.S. Patent No. 7,050,873, and U.S. Patent 7,143,016, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by a terminal disclaimer, except for the separation of legal title stated above.

A credit card payment form is filed concurrently herewith in connection with all fees (\$140.00) due associated with this Terminal Disclaimer. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP246USC].

Respectfully submitted,

TUROC & WATSON, LLP

/Seyed Vahid Sharifi Takieh/

Seyed Vahid Sharifi Takieh

Reg. No. 45,828

TUROC & WATSON, LLP
127 Public Square
57th Floor, Key Tower
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731